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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,532	02/14/2000	William Y. Hall	blbv-24.759	6743

7590 06/07/2002

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RICHARDSON, TX 75080

EXAMINER

KEMPER, MELANIE A

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/503,532

Applicant(s)

HALL, WILLIAM Y.

Examiner

M Kemper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Leatherman, patent number 6,263,319.

Leatherman teaches a method and corresponding system of advertising during a fuel dispensing operation comprising providing one or more fuel dispensing locations; transmitting from a central location customer profile information and using the information to generate programming information for presentation (see at least figs. 1, 3, 5, 9, 26A, 26B, col. 36, line 45 col. 38, line 15, col. 10, lines 55-65, col. 21, lines 40-50, col. 24, lines 50-65, col. 35, lines 40-60). Leatherman also teaches wireless communication (see at least col. 8, lines 1-10, col. 22, lines 35-55, col. 24, lines 50-65); audio/video presentation (see at least fig 5, (86) col. 9, lines 10-20, col. 37, lines 25-40);

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transmitting a unique ID (see at least col. 36, lines 45-50); customer profile information is converted into a profile word and merged with update and advertising information (converted to bits to form word) (see at least col. 37, lines 5-15); programming information transmitted to the fuel dispensing locations (see at least col. 37, lines 15-40); programming information structured to priorities (see at least col. 38, lines 10-15); modifying programming information (see at least col. 37, lines 45-67); customer profile information is updated according to type of purchase (see at least col. 38, lines 5-10, col. 14, lines 50- col. 15, line 45); where it is inherent that the fuel dispenser is uniquely addressable since this is necessary at least for the bi-directional communication with the dispenser and since specific information is transmitted to/from a specific dispenser (col. 8, lines 20 – col. 9, line 30).

3. Claims 1, 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kanevsky et al, patent number 6,334,109.

Kanevsky teaches a method and corresponding system of advertising during a fuel dispensing operation comprising providing one or more fuel dispensing locations; transmitting from a central location customer profile information and using the information to generate programming information for presentation (see at least col. 6, lines 25-40, col. 5, lines 40-65, abstract).

4. Claims 1, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith, patent number 5,717,374.

Smith teaches a method and corresponding system of advertising during a fuel dispensing operation comprising providing one or more fuel dispensing locations;

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transmitting from a central location customer profile information and using the information to generate programming information for presentation (see at least col. 9, lines 30- col. 10, line 35, abstract).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stevens, patent number 6,327,570 teaches prioritizing messages (col. 14, lines 50-55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



M Kemper  
Primary Examiner  
Art Unit 3622

mk  
June 1, 2002